

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 20172-292-WS

**In Re: Application of Carolina Water
Service, Incorporated for Approval of an
Increase in Its Rates for Water and Sewer
Services**

REHEARING REBUTTAL
TESTIMONY OF
ROBERT H. GILROY

1 **Q. MR. GILROY, WHAT IS THE PURPOSE OF YOUR REHEARING REBUTTAL**
2 **TESTIMONY?**

3 A. My rehearing rebuttal testimony responds to a portion of the rehearing direct testimony of
4 ORS witness Dawn M. Hipp. In her testimony, Ms. Hipp asserts that “CWS failed to manage
5 properly its I-20 sewer system to comply with the NPDES permit requirements,” apparently
6 because it was not connected to the Town of Lexington regional line. Ms. Hipp then contends that
7 the Federal court action brought by the Congaree Riverkeeper, Inc. against CWS for violating its
8 National Pollutant Discharge Elimination System, or “NPDES,” permit and the associated legal
9 expense could have been avoided if CWS had done so. Ms. Hipp’s testimony in this regard is
10 factually incorrect.

11 **Q. GENERALLY, WHAT IS YOUR RESPONSE TO THIS TESTIMONY OF MS.**
12 **HIPP?**

13 A. I am aware of CWS’s repeated efforts to obtain a connection of the I-20 System to the
14 regional line constructed by the Town of Lexington in 1999 and the reasons why that connection

1 never happened. Further, the Commission's past orders in matters pertaining to the I-20 System
2 refute Ms. Hipp's assertion.

3 **Q. WHAT ARE YOUR REASONS FOR STATING THAT MS. HIPPI'S TESTIMONY**
4 **IS FACTUALLY INCORRECT?**

5 **A.** There are several reasons and I would like to describe them in chronological order to the
6 extent I can do so.

7 In 1996 the Commission refused to approve the Company's application to sell the I-20
8 sewer system, after the Company's customers overwhelmingly voted against the transaction in a
9 referendum.

10 In July of 2000, the Town entered into an enforcement agreement with the Department of
11 Health and Environmental Control, or DHEC, which acknowledged that the Town lacked capacity
12 at the time to take and treat the flow from the I-20 System. This lack of treatment capacity was
13 not remedied by the Town until 2012 when the City of Cayce's expanded regional wastewater
14 treatment facility came on line.

15 In 2003, the Commission denied approval of a proposed agreement for the Town to provide
16 wholesale service to the I-20 System. The Commission found the Town's proposed wholesale rate
17 – which had been amended to provide a treatment rate that was then higher than that originally
18 offered by the Town in 2000 – was unreasonably high. Subsequently, CWS's I-20 NPDES Permit
19 was modified to specifically provide that CWS was not obligated to connect unless the Town
20 offered wholesale treatment service that the Commission would approve.

21 In 2009, the Town contracted with the City of Cayce to acquire capacity in a planned
22 expansion of its regional treatment facility and issued bonds to cover the Town's share of the

1 construction costs. Under the terms and the bonds issued, the Town was precluded from offering
2 wholesale service to CWS for the I-20 System. However, the Town did not make CWS aware of
3 these contractual and bond restrictions at that time.

4 In 2011, I learned the expansion of the City of Cayce's regional treatment facility was
5 nearing completion. I inquired of the Town regarding the availability of a wholesale connection in
6 October of 2011 but received no response. A copy of my inquiry is attached as RHG Rehearing
7 Rebuttal Exhibit "A." I later learned that the expansion was completed in the fall of 2012.

8 On July 22, 2013, I again inquired of the Town regarding the availability of a wholesale
9 connection. I was informed by the Town on July 31, 2013, that capacity in the Cayce regional
10 treatment facility was available, but there was not adequate pumping capacity to take the I-20 flow.
11 Copies of my July 22, 2013, inquiry to the Town and its July 31, 2013, response are attached to
12 my testimony as RHG Rehearing Rebuttal Exhibit "B."

13 In March of 2014, CWS made a written request to the Town for a wholesale connection of
14 the I-20 System. A copy of that request is attached as RHG Rehearing Rebuttal Exhibit "C." In
15 May of 2014, the Town responded and advised CWS it was not interested in providing wholesale
16 service. A copy of that response is attached as RHG Rehearing Rebuttal Exhibit "D".

17 In the summer of 2014, CWS began having a series of meetings with the Town to discuss
18 a connection of the I-20 System. In these meetings, the Town refused to offer a wholesale
19 connection, but indicated it would be willing to purchase the I-20 sewer system only if CWS would
20 also sell the I-20 water system and the Watergate water and sewer systems. We refused to sell any
21 water systems to the Town but told the Town that we would sell the I-20 and Watergate sewer
22 systems. Over the next several months, we provided the Town with system maps, financial

1 projections of income and expense related to these two systems, technical data concerning the
2 quantity and constituent strength of flow, customer data, and access to the systems for inspection.
3 We also made a price projection to the Town. However, the Town did not make an offer to
4 purchase either system.

5 In January of 2015, the Congaree Riverkeeper filed its citizen suit against CWS in Federal
6 court asserting that CWS had violated its permit by not connecting the I-20 System to the Town's
7 regional line. In July of 2015, we applied to DHEC to renew our NPDES permit for the I-20
8 System. In September of 2015, DHEC issued a notice of its intent to deny renewal of the CWS I-
9 20 NPDES permit.

10 On November 10, 2015, at a meeting facilitated by ORS at its offices, the Town disclosed
11 to CWS for the first time that it could not offer a wholesale service connection for the I-20 System
12 due to the restrictions in its 2009 contract with Cayce and covenants in its bonds issued for the
13 expansion of the Cayce regional treatment facility. That meeting is the subject of the January 6,
14 2016, report by ORS to the Commission in Docket Number 2015-327-S pursuant to its Order No.
15 2015-836.

16 Between January and August of 2016, CWS representatives attended several meetings with
17 Town and DHEC representatives to discuss a possible resolution or a process CWS and the Town
18 could use to reach an agreement on the value of the I-20 System. These meetings did not produce
19 an offer of purchase from the Town and in August of 2016, DHEC denied renewal of the I-20
20 NPDES permit and issued enforcement orders against both CWS and the Town requiring the
21 parties to coordinate a plan to eliminate the discharge from the I-20 System or face potential
22 penalties.

1 Finally, after the Federal court issued an order in March of 2017 finding CWS liable for
2 violating its NPDES permit for not having connected the I-20 System to the Town's regional line
3 and imposing a \$1.5 Million penalty on CWS, and after the Town was ordered by DHEC to
4 eliminate the I-20 discharge, the Town made an offer to purchase the I-20 System for about \$1.3
5 Million in May of 2017. CWS did not consider that offer to be made in good faith given that it
6 was less than a third of the rate base associated with the I-20 System and rejected it. That led to
7 the Town's condemnation action filed in October of 2017 in which it offered only slightly more,
8 about \$1.58 Million, for the I-20 System. The Company rejected that offer as also not being in
9 good faith. The Town took possession of the I-20 System in February of 2018 and is now serving
10 the former CWS customers in that service area.

11 **Q. WAS THE CONGAREE RIVERKEEPER AWARE OF THE COMPANY'S**
12 **EFFORTS TO OBTAIN AN OFFER OF PURCHASE FOR THE I-20 SYSTEM FROM**
13 **THE TOWN?**

14 A. Yes, it was.

15 **Q. HOW DO YOU KNOW THAT?**

16 A. Because, in the course of discovery in the condemnation action that was filed against CWS
17 by the Town to take the I-20 System, the Town produced communications their attorney had with
18 the Congaree Riverkeeper. Among these communications, is an email from counsel for the
19 Congaree Riverkeeper to counsel for the Town of Lexington on August 4, 2014, asking whether
20 the Congaree Riverkeeper's filing the Federal court lawsuit would be helpful to the Town in its
21 negotiations with CWS. A copy of this email is attached to my testimony as RHG Rehearing
22 Rebuttal Exhibit "E."

1 **Q. WOULD YOU SUMMARIZE THE FACTS SHOWING THAT THE TOWN IS**
2 **RESPONSIBLE FOR NO CONNECTION OF THE I-20 SYSTEM TO THE TOWN'S**
3 **REGIONAL LINE HAVING EVER BEEN MADE BY CWS?**

4 A. Yes. The Town did not have capacity to take the I-20 flow when its regional line was
5 permitted by DHEC in 1999 as is shown by the July 2000 agreement between them. The Town's
6 proposed wholesale rate rejected by the Commission in 2003 was unreasonable and I believe that
7 the Town set it at a high level because it did not have capacity available to provide CWS wholesale
8 service at that time. The Town, unbeknownst to CWS, entered into its 2009 contract with Cayce
9 and issued bonds which precluded a wholesale service arrangement.

10 The expansion of the Cayce treatment facility came on line in the fall of 2012 and in the
11 summer of 2013, the Town acknowledged to me that it owned sufficient capacity in the Cayce
12 regional treatment facility to take the flow from I-20 but stated that it did not have sufficient
13 pumping capacity to transport the flow from the I-20 System to the Cayce treatment facility.

14 And, with respect to an agreement for the sale of the I-20 System to the Town, the Town's
15 offer to purchase it for about one-third of the I-20 rate base reflects an effort to leverage the threat
16 of penalties sought by the Congaree Riverkeeper in the Federal court action to force CWS to accept
17 less than fair market value.

18 **Q. COULD CWS HAVE AVOIDED THE LITIGATION EXPENSES AS MS. HIPP**
19 **ARGUES?**

20 No, CWS could not have avoided the litigation expense in the Federal court action given
21 the Town's refusal to offer reasonable rates to CWS or the I-20 customers, its self-inflicted
22 restriction on offering wholesale service to CWS for the I-20 System, its refusal to offer a

1 reasonable purchase price for the I-20 and Watergate systems, and its strategy of cooperating with
2 the Congaree Riverkeeper to effectively force the Company to give the I-20 System to the Town.

3 **Q. DOES THIS CONCLUDE YOUR REHEARING REBUTTAL TESTIMONY?**

4 **A.** Yes, it does.

RHG EXHIBIT A

From: Bob Gilroy
Sent: Wednesday, October 05, 2011 3:05 PM
To: alutz@lexsc.com
Subject: CWS / 208 Plan

Hi Alan,

Attached are two letters. One for I-20 and one for Watergate. The Permit for each plant, due to the Central midlands 208 Plan, requires that we check with the Town annually regarding any changes in connection requirements and or Cayce capacity. I took the wording in the letters from a DHEC letter regarding this request requirement.

The Permits require that I forward your response letter to DHEC EQC-3 for filing.

Thanks!

Bob Gilroy
Carolina Water Service, Inc.
803-796-2313





October 5, 2011

Mr. Alan Lutz
Director of Utilities
Town of Lexington

Re: CWS / I-20 WWTP
NPDES Permit No. SC0035564

Dear Alan:

The CWS/I-20 WWTP has been identified by the Central Midlands 208 Plan for elimination and as part of fulfilling its Permit, is required to request information from the regional provider concerning any agreement changes that may have occurred.

This letter is to request information regarding any changes that may have been made by the Town of Lexington concerning the connection to wastewater transmission lines by the CWS/I-20 WWTP and in regards to capacity of such connection at the City of Cayce WWTP for final treatment.

Your assistance in this matter is greatly appreciated.

Please do not hesitate to contact me in regards to the above request at 803-796-2313.

Sincerely,
CAROLINA WATER SERVICE, INC.

A handwritten signature in black ink, appearing to read 'Bob Gilroy', is written over the printed name.

Bob Gilroy
Regional Manager

Carolina Water Service, Inc. A Utilities, Inc. company

200 Weatherfield Ave. Altamonte Springs, FL 32714-4027 P: 800-272-1919 F: 407-869-6961 www.uhwater.com

Handwritten initials or a small signature in the bottom right corner of the page.

RHG EXHIBIT B

From: Bob Gilroy [rhgilroy@uiwater.com]
Sent: Monday, July 22, 2013 3:23 PM
To: Allen Lutz
Subject: Capacity

Mr. Lutz,

Could you please reply with an update regarding available capacity within the Town of Lexington sewer transmission line to the Cayce WWTP as well as the available capacity within the Cayce WWTP? Could you also provide the fees for such?

Thanks,

Bob Gilroy
Regional Manager
Carolina Water Service, inc.
800-2727-1919 Ext. 32404
rhgilroy@uiwater.com

From: Allen Lutz <alutz@lexsc.com>
Date: 07/31/2013 9:04 AM (GMT-05:00)
To: Bob Gilroy <rhgilroy@uiwater.com>
Subject: RE: Capacity

Bob,

To answer your questions, the capacity in the line to Cayce is currently 3.74 MGD and have over 4 MGD permitted. We are working on a upgrade to add a pump station in the Cromer Rd. area that will increase our pumping Capacity to 6.45 MGD. We will in the future be installing a additional 30" force main to Cayce that will increase our pumping capacity to 12.4 MGD. The town has 12.4 MGD capacity at the City of Cayce with approximately 7.8 MGD unpermitted. The current Capitol Contribution Fees for Capacity is \$3700.00 per tap equivalent of 300 GPD. I hope this information helps.
Allen Lutz



RHG EXHIBIT C



March 21, 2014

Mr. Britt Poole
Town Administrator
Town of Lexington
P.O. Box 397
Lexington, SC 29071

RE: Bulk Wastewater Service Interconnection with Town of Lexington Sewer System

Dear Mr. Poole:

I am writing to you to inquire about the potential for an interconnection of the I-20 Wastewater Treatment Facility (I-20 WWTF), owned and operated by Carolina Water Service, Inc. (CWS) with the Town of Lexington's sewer system. CWS would like to make this interconnection so as to enable it to eliminate the discharge from the I-20 WWTF into the Lower Saluda River.

Currently, the I-20 WWTF has an average daily flow of 526,000 GPD into its receiving stream and the authorized capacity of the plant is 800,000 GPD.

I would appreciate your advising me at your earliest convenience whether there is an interest in such an interconnection. If there is, I would be pleased to meet with you, or others on your staff, to discuss the matter further.

Thank you and the Town for your consideration of this request.

Sincerely,

A handwritten signature in dark ink that reads "Richard J. Durham".

Richard J. Durham
President - SC

RJD/WEP

a Utilities, Inc. company Carolina Water Service, Inc.

151 Old Wire Rd • West Columbia, SC 29172 • P: 800-272-1919 • F: 803-791-8643 • www.uiwater.com

RHG EXHIBIT D

MAYOR
Steve MacDougall

TOWN OF LEXINGTON

TOWN ADMINISTRATOR
D. Britt Poole

MAYOR PRO-TEM
Hazel Livingston

COUNCIL
Kathy Maness
Ted Stambolitis
Todd Shevchik
Todd Carraway
Ron Williams



RECEIVED

MAY 14 2014

MAILING ADDRESS
Post Office Box 397
Lexington SC 29071

INFORMATION
803-359-4164
www.lexsc.com

FAX
803-359-4460

CAROLINA WATER SERVICE

May 8, 2014

Mr. Richard J. Durham
Carolina Water Service, Inc.
151 Old Wire Road
West Columbia, SC29172

re: Bulk Wastewater Service Interconnection with Town of Lexington Sewer System

Dear Mr. Durham:

I have discussed your request (for a potential interconnection of the I-20 Wastewater Treatment Facility with the Town of Lexington) with the Town Administrator and Town Council. The Town considered this carefully, but for a number of seasons is not interested in such an interconnection at this time.

Sincerely,

Brad Cunningham, Municipal Attorney
Town of Lexington

BC

RHG EXHIBIT E

From: Blan Holman [<mailto:bholman@selcsc.org>]
Sent: Monday, August 04, 2014 2:59 PM
To: Brad Cunningham
Cc: Britt Poole; Cliff Koon
Subject: RE: CWS and Town of Lexington

Understood.

Thanks,

Blan

Blan Holman
Southern Environmental Law Center
43 Broad St. - Suite 300
Charleston, SC 29401

p. 843 720 5270
www.southernenvironment.org

From: Brad Cunningham [BCunningham@lexsc.com]
Sent: Monday, August 04, 2014 2:43 PM
To: Blan Holman
Cc: Britt Poole; Cliff Koon
Subject: RE: CWS and Town of Lexington

At this point, it would more likely be disruptive in my opinion.

Bradford T. Cunningham, Municipal Attorney
Town of Lexington
P.O. Box 397
Lexington, SC 29071
(803)951-2232 (Phone)
(803)358-1567 (Fax)
bcunningham@lexsc.com

From: Blan Holman [<mailto:bholman@selcsc.org>]
Sent: Monday, August 04, 2014 2:37 PM
To: Brad Cunningham
Subject: RE: CWS and Town of Lexington

Thanks Brad. As you know, my client has signaled its intent to sue CWS over failure to hook-in per the 208 plan, incorporated into CWS's NPDES permit. Client wants to know if filing a complaint now would be helpful to negotiations. I could see being potentially helpful but also potentially disruptive. I'm on my cell 919 302 6819 if you get a second.

Thank you,

Blan

TOL000192

From: Brad Cunningham [<mailto:BCunningham@lexsc.com>]
Sent: Monday, August 04, 2014 11:35 AM
To: Blan Holman
Subject: CWS and Town of Lexington

Blan – got your phone message. The Town is currently in active negotiations with CWS.....

Bradford T. Cunningham, Municipal Attorney
Town of Lexington
P.O. Box 397
Lexington, SC 29071
(803)951-2232 (Phone)
(803)358-1567 (Fax)
bcunningham@lexsc.com

CopyCenter

From: Catherine Wannamaker <cwannamaker@selcsc.org>
Sent: Tuesday, February 23, 2016 4:11 PM
To: Black, David
Cc: Heather Murray
Subject: CWS

Hey David - Just wondering if you have a minute to talk in the next day or so? Thanks, Catherine

-----Original Message-----

From: Catherine Wannamaker
Sent: Thursday, February 11, 2016 12:49 PM
To: DBlack@nexsenpruet.com
Cc: Heather Murray
Subject: Time to meet?

Hey David - Thanks for all of the Town documents that you provided last night. We have reviewed them, and are wondering if you and Brad Cunningham may have time to sit down with us in person next week. We have a few questions and think it might be mutually beneficial for us to meet in person.

Any chance you could do this any time next Tuesday-Thursday? We're happy to drive up to Columbia for the day.

Thanks,
Catherine

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From: Catherine Wannamaker <cwannamaker@selcsc.org>
Sent: Wednesday, February 24, 2016 5:45 PM
To: Black, David
Cc: Heather Murray
Subject: chatting

The day got away from me today – can we give you a shout tomorrow or Friday? Thanks!

Catherine M. Wannamaker
Senior Attorney
Southern Environmental Law Center
463 King Street, Suite B
Charleston, SC 29403-7204

From: Catherine Wannamaker <cwannamaker@selcsc.org>
Sent: Wednesday, March 2, 2016 4:25 PM
To: Black, David; Heather Murray
Subject: RE: Attorney Work Product/Joint Defense: Carolina Water Service [IWOV-NPCOL1.FID1694205]

Great – we like it. Wondering if we still need the affidavit but we can discuss.

From: Black, David [<mailto:DBlack@nexsenpruet.com>]
Sent: Wednesday, March 02, 2016 3:38 PM
To: Catherine Wannamaker; Heather Murray
Subject: RE: Attorney Work Product/Joint Defense: Carolina Water Service [IWOV-NPCOL1.FID1694205]

Even better. Please see our amended answer, counterclaim, and verification (language you need is in the counterclaim facts).

From: Catherine Wannamaker [<mailto:cwannamaker@selcsc.org>]
Sent: Wednesday, March 02, 2016 3:00 PM
To: Heather Murray; Black, David
Subject: RE: Attorney Work Product/Joint Defense: Carolina Water Service

Hey David – Just thought I'd check in on this affidavit. Have you had a chance to look it over or talk to the Town folks about it? I think we are about to extend discovery through April in our case, but we probably need to turn this over to them in the next few weeks if we plan to use it.

Thanks!
 Catherine

From: Heather Murray
Sent: Thursday, February 25, 2016 3:16 PM
To: Black, David (DBlack@nexsenpruet.com)
Cc: Catherine Wannamaker
Subject: Attorney Work Product/Joint Defense: Carolina Water Service

Hi David,

Please find the draft affidavit attached. Don't hesitate to contact us with any questions.

Thanks,
 Heather

Heather A Murray
 Associate Attorney | Southern Environmental Law Center
 463 King Street, Suite B | Charleston, SC 29403
 843-720-5270 | hmurray@selcsc.org | www.southernenvironment.org

TOL000196

AFFIDAVIT OF XX

My name is XX and I am the XX for the Town of Lexington, South Carolina ("Town"). I have held this position since XX. My responsibilities include XX.

Carolina Water Service, Inc. ("CWS"), a subsidiary of Utilities, Inc., contacted the Town regarding connection of the I-20 wastewater treatment facility ("I-20 facility") to the regional collection system in January 2014.

In March 2014, CWS wrote a letter to the Town asking whether the Town would be interested in reaching an interconnection agreement with CWS to connect the I-20 facility to the Town's regional sewer system. At that time, the Town responded that it was not interested in such an interconnection. [any further explanation of why?]

[anything relevant in this time period?]

In August 2014, the Town requested information from CWS that would enable it to conduct a feasibility study to explore the possibility of acquiring the I-20 facility and another CWS-owned wastewater treatment facility (Watergate). At that time, the Town was interested in potentially purchasing the water and sewer systems within the I-20 and Watergate service areas.

CWS subsequently informed the Town that it was not interested in selling its water systems, and requested that the Town enter into a non-binding agreement stating that \$13.5 million would be a reasonable price range for the I-20 and Watergate sewer systems.

The Town responded that without the requested basic information about each sewer system, it was impossible to determine whether \$13.5 million would be a reasonable price range. Throughout this discussion, CWS was unwilling to provide the Town with any of the requested information about the current state of the I-20 facility or financial information regarding the facility.

In December of 2014, the Town again requested more information from CWS regarding the two sewer systems. CWS responded XX. [was response sufficient? (we don't have – it was attached to an email)]

[anything relevant in this time period?]

In September of 2015, CWS sent the Town a letter requesting that the Town enter into an interconnection agreement concerning the I-20 facility under the terms set forth in CWS's application to the South Carolina Public Service Commission ("PSC") or put forward its own terms for an interconnection agreement.

The Town responded that it could not value CWS's systems or respond to any offers without first conducting the feasibility study (which it was still willing to share the cost of).

TOL000197

CWS again requested a quote for interconnection, saying that it was not interested in pursuing acquisition by the Town. CWS's position was based on, among other things, the fact that it was not willing to bear any of the cost of a feasibility study, as it perceived this to be the Town's due diligence burden.

In November of 2015, the Town received a quote for a feasibility study from its contractor totaling \$70,000.

Over the next several weeks, the Town had ongoing conversations with CWS regarding the I-20 facility. During these conversations, the Town explained that it could not offer an interconnection because its bonds prohibited such an offer, but the Town was still interested in purchasing the system.

Then, abruptly on December 11, 2015, CWS filed suit in federal district court against the Town for failing to permit an interconnection. The Town had no idea this litigation was imminent or even under consideration by CWS. Until that point, the Town had believed it was still in active negotiations with CWS.

In the Town's opinion, based on its extensive involvement in these negotiations, CWS was not interested in a resolution of this matter unless it was entirely on CWS's terms (and with no opportunity for the Town to determine whether these terms were reasonable or in Town citizens' best interests).

In sum, the Town believes that resolution of CWS's unlawful discharges was and is entirely possible, but CWS refuses to engage in the kind of substantive discussions that would be necessary to resolve this situation.

[if the Town purchases, are they sure they will connect to the regional system? if so, can we say?]

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From: Catherine Wannamaker <cwannamaker@selcsc.org>
Sent: Friday, June 24, 2016 2:47 PM
To: Black, David
Cc: Blan Holman
Subject: CWS memo in support of MSJ-c
Attachments: 2016-05-06 - Dkt. 58-1 - Carolina Water Service_s Memo in Support of its MPSJ-c.PDF

Think you may want this one, too, and their most recent reply brief – which is even more inflammatory in its characterization of the Town. I'll send it separately in a second.

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From: Catherine Wannamaker <cwannamaker@selcsc.org>
Sent: Monday, August 1, 2016 5:03 PM
To: Black, David
Cc: Blan Holman
Subject: DHEC decision

Hey David – Do you have time to chat about the CWS DHEC decision and AOs tomorrow? Would just like your thoughts on what this means going forward and whether the Town saw this coming, etc.

Thanks,
Catherine

Catherine M. Wannamaker
Senior Attorney
Southern Environmental Law Center
463 King Street, Suite B
Charleston, SC 29403-7204

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From: Catherine Wannamaker <cwannamaker@selcsc.org>
Sent: Friday, September 9, 2016 4:29 PM
To: Black, David
Cc: Blan Holman
Subject: CWS update

Hey David – Just checking in to see if you have had any recent developments in your CWS case before Judge Seymour. We got an order this week requiring us to brief the impact of the permit denial and AOs on our pending motions for summary judgment. Our briefs are due on Sept. 21.

Let us know if there is anything happening in your case.

Thanks!
Catherine

Catherine M. Wannamaker
Senior Attorney
Southern Environmental Law Center
463 King Street, Suite B
Charleston, SC 29403-7204

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From: Catherine Wannamaker <cwannamaker@selcsc.org>
Sent: Monday, September 26, 2016 4:35 PM
To: Black, David
Subject: CWS

Hey David – Just wanted to check in on your CWS case. Left you a message today. Any new developments before Judge Seymour or otherwise? Give me a buzz when you can – 843-619-4619.

Catherine M. Wannamaker
Senior Attorney
Southern Environmental Law Center
463 King Street, Suite B
Charleston, SC 29403-7204

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From: Catherine Wannamaker <cwannamaker@selcsc.org>
Sent: Thursday, December 8, 2016 3:52 PM
To: Black, David
Subject: RE: CWS - ALC proceedings -c

That would be great. Did you all file this week? And have you been consolidated with the case filed by CWS yet?

Thanks!

From: Black, David [mailto:DBlack@nexsenpruet.com]
Sent: Thursday, December 08, 2016 3:52 PM
To: Catherine Wannamaker
Subject: RE: CWS - ALC proceedings

Sure, do you also need the Town's statement?

J. David Black
 Member
 Nexsen Pruet, LLC
 1230 Main Street, Suite 700
 Columbia, SC 29201
 PO Drawer 2426 (29202)
 T: 803.540.2072, F: 803.727.1409
DBlack@nexsenpruet.com

www.nexsenpruet.com

NEXSEN PRUET

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From: Catherine Wannamaker [mailto:cwannamaker@selcsc.org]
Sent: Thursday, December 8, 2016 3:50 PM
To: Black, David <DBlack@nexsenpruet.com>
Subject: CWS - ALC proceedings

Hey David – Would you be able to send me CWS's prehearing statement before the SC ALC when you file it? (I understand they are due this week). As you probably know, we had a summary judgment hearing before Judge Seymour about a month ago and are trying to figure out whether we need to intervene in these ALC proceedings. Thanks, and hope you are doing well.

Catherine

Catherine M. Wannamaker
 Senior Attorney
 Southern Environmental Law Center
 463 King Street, Suite B
 Charleston, SC 29403-7204

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From: Black, David
Sent: Thursday, March 30, 2017 2:21 PM
To: Blan Holman (bholman@selcsc.org); Catherine Wannamaker (cwannamaker@selcsc.org)
Subject: Congrats!!!-c

Do you have a copy of the order?

J. David Black
Member
Nexsen Pruet, LLC
1230 Main Street, Suite 700
Columbia, SC 29201
PO Drawer 2426 (29202)
T: 803.540.2072, F: 803.727.1409
DBlack@nexsenpruet.com

www.nexsenpruet.com

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From: Black, David
Sent: Thursday, March 30, 2017 3:06 PM
To: Catherine Wannamaker
Subject: RE: CWS victory!

As you should be! Great job!

J. David Black
Member
Nexsen Pruet, LLC
1230 Main Street, Suite 700
Columbia, SC 29201
Post Office Box 2426 (29202)
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-----Original Message-----

From: Catherine Wannamaker [mailto:cwannamaker@selcsc.org]
Sent: Thursday, March 30, 2017 3:05 PM
To: Black, David <DBlack@nexsenpruet.com>
Subject: Fwd: CWS victory!

Here you go. We're pretty excited. CWS's next steps will be interesting.

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